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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/017,923	10/30/2001	Kcicy K. Chung	70049-00002	7533

58688 7590 02/21/2007		EXAMINER
CONNOLLY BOVE LODGE & HUTZ LLP P.O. BOX 2207 WILMINGTON, DE 19899		REFAI, RAMSEY

ART UNIT	PAPER NUMBER
2152	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/21/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

	Application No.	Applicant(s)
Office Action Summary	10/017,923	CHUNG, KEICY K.
	Examiner	Art Unit	
	Ramsey Refai	2152	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _05 February 2007_.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-16_ is/are pending in the application.

    4a) Of the above claim(s) _10_ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-9 and 11-16_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _10/31/06, 12/18, 06_.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Response to Amendment

Responsive to Request for Continued Examination (RCE) received February 5, 2007. Claims 1, 4,

7, 10, 11, and 14 have been amended. Claims 1-16 remain presented for further examination.

Applicant appears to have inadvertently left out claim 16 from the claim set filed February 5,

2007. For examination purposes, claim 16 will be assumed to remain as presented in the claims

set filed February 16, 2006 since no statement regarding any amendments to claim 16 were made

in the remarks section. Additionally, Applicant is requested to correct the claim status identifier

for *withdrawn claim 10.*

Response to Arguments

1.   Applicant's arguments have been fully considered but they are not persuasive.

        The amendments to the paragraphs [0025] and [0028] of the specification have not been

        entered.

    • In the remarks, the Applicant argues in substance:

Argument A: *Jacob et al do not teach or suggest limitations relating to a direct attached*

storage peripheral or wherein the processor appears to the computer as a direct attached

storage peripheral.

In response, the Examiner respectfully disagrees. Jacobs et al teach that the user can

communicate without the need to communicate with any other device in order to connect to the

cache server. *(direct attached storage peripheral).* Jacobs et al also teach that the cache server

can be designated to handle only specific types of requests by examining the header of the

request, to determine a security profile, the user sending the request, etc. (See fig 4, column 13,

lines 25-55) and the medium which data requests are received may include direct or indirect

communication using wired or wireless communication. (See column 6, lines 5-11). The cache

server meets the scope of the claimed direct attached storage peripheral.

Specification

2.   The amendment filed February 5, 2007 is objected to under 35 U.S.C. 132(a) because it

introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall

introduce new matter into the disclosure of the invention. The added material which is not

supported by the original disclosure is as follows: " Further, those skilled in the art will

appreciate that such formats allow the CBD 202 to be used as a direct attached storage

peripheral." in paragraph [0025] of the disclosure and " " as a direct attached storage

peripheral" in paragraph [0028] of the disclosure.

Applicant is required to cancel the new matter in the reply to this Office Action.

Claim Rejections - 35 USC § 112

3.   The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making
> and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it
> pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode
> contemplated by the inventor of carrying out his invention.

4.   Claims 1-16 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with

the written description requirement. The claim(s) contains subject matter, which was not

described in the specification in such a way as to reasonably convey to one skilled in the

relevant art that the inventor(s), at the time the application was filed, had possession of the

claimed invention. Independent claims 1, 4, 7, 10, 11, and 14 have been amended to include the

limitation: " *a direct attached storage peripheral*" . However, this limitation is not supported in

the original disclosure. The amendments to the specification, in an attempt to provide support for

this new limitation, has not been entered and is the subject of the above objection to the

disclosure under 35 U.S.C. 132(a) . Since the amendments to the specification have not been

entered, the claims are therefore unsupported by the disclosure and are rejected under 35

U.S.C. 112, first paragraph, as failing to comply with the written description requirement.

Claim Rejections – 35 USC § 102

5.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed
in the United States before the invention by the applicant for patent or (2) a patent granted on an application for
patent by another filed in the United States before the invention by the applicant for patent, except that an
international application filed under the treaty defined in section 351(a) shall have the effects for purposes of
this subsection of an application filed in the United States only if the international application designated the
United States and was published under Article 21(2) of such treaty in the English language.

6.   Claims 7 and 9 are rejected under 35 U.S.C. 102(e) as being unpatentable by Jacobs et al

(U.S. Patent No. 6,732,237).

7.   As per claim 7, A method of providing a file to a computer comprising:

receiving in a storage device a request from the computer for the file, wherein the

storage device is in communication with the computer as a direct attached storage peripheral

and includes a storage means and a computer interface, the computer interface being adapted to

enable communications exclusively between the computer and the storage device; (Figure 1,

Figure 3, 300)

determining whether the file is cached on the storage means (Fig 3, column 16, lines 42–

53);

determining, if the file is not cached on the storage means, whether the file is available

from a remote file server, and if the file is available from the remote file server, retrieving the

file from the remote file server (fig 3, column 16, column 16, lines 50–57 and

caching the retrieved file on the storage means; and providing to the computer the file on

a read-only basis if the file is cached on the storage means (Figure 3, column 16, lines 64-65,

column 11, lines 1-2).

8.   As per claim 9, Jacobs et al teach deleting the cached file from the storage means upon

receiving a command from the file server to delete the cached file (column 6, lines 39-47).

Claim Rejections - 35 USC § 103

9.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness

rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art
> are such that the subject matter as a whole would have been obvious at the time the invention was made to a
> person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived
> by the manner in which the invention was made.

10.   Claims 1-6, 8, 11-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Jacobs et al (U.S. Patent No. 6,732,237) in view of " Official Notice" .

11.   As per claim 1, Jacobs et al teach a storage device comprising:

a processor; a computer interface communicably connected to the processor, wherein the

computer interface is adapted to enable the processor to communicate with a computer as a

direct attached storage peripheral; a network interface communicably connected to the

processor to enable the processor to communicate with a remote file server, wherein the

processor is adapted to employ the network interface for communications exclusively with the

remote file server (Figure 1, column 4, lines 15-37); and

a storage means communicably connected to the processor, the processor being adapted

to have read and write access to the storage means, wherein upon receipt of a file request from

the computer (Figure 3, 300) the processor is adapted to sequentially (1) determine whether the

file is cached on the storage means and provide the file to the computer on a read-only basis if

the file is cached on the storage means (Figure 3, 302; column 9, lines 3-21), (2) request the file

from the file server if the file is not cached on the storage means, and if the file is obtainable

from the file server, cache the obtained file on the storage means and provide the obtained file

to the computer on a read-only basis (Figure 3).

Jacobs et al fail to explicitly teach that the processor returns a file unavailable notice to

the computer if the file is not cached on the storage means and not obtainable from the file

server. However, However, " Official Notice" is taken that both the concept and advantage of

using a file unavailable notice such as a " 404-File Not Found " error message is well known

and expected in the art. It would have been obvious to one of the ordinary skill in the art at the

time of the applicant's invention to include a file unavailable notice in Jacobs et al' s system

because doing so would inform a user that the data that the user has requested is unavailable.

12.   As per claims 2, Jacobs et al teach wherein the computer is communicably connected to a

network server through the network interface (Figure 1, column 4, lines 15-37).

13.   As per claim 3, Jacobs et al teach wherein the storage means comprises random access

media (Figure 1, column 4, lines 15-37).

14.   As per claim 4. A computer network comprising:

a file server; a network server; a computer communicably connected to the network

server, the computer being remotely disposed from the file server and the network server

(Figure 1);

a storage device (cache server) communicably connected to the computer and the file

server, the storage device in communication with the computer as a direct attached storage

peripheral and comprising a processor, a computer interface, a network interface, and a storage

means wherein the computer interface is adapted to enable communications exclusively between

the computer and the storage device; the processor is adapted to employ the network interface

for communications exclusively with the remote file server ; the processor is adapted to have

read and write access to the storage means (Figure 1, column 4, lines 15-37); and

upon receipt of a file request from the computer (Figure 3, 300) the processor is

adapted to sequentially (1) determine whether the file is cached on the storage means and

provide the file to the computer on a read-only basis if the file is cached on the storage means

(Figure 3, 302; column 9, lines 3-21), (2) request the file from the file server if the file is not

cached on the storage means, and if the file is obtainable from the file server, cache the obtained

file on the storage means and provide the obtained file to the computer on a read-only basis

(Figure 3).

Jacobs et al fail to explicitly teach that the processor returns a file unavailable notice to

the computer if the file is not cached on the storage means and not obtainable from the file

server. However, However, " Official Notice" is taken that both the concept and advantage of

using a file unavailable notice such as a " 404-File Not Found " error message is well known

and expected in the art. It would have been obvious to one of the ordinary skill in the art at the

time of the applicant's invention to include a file unavailable notice in Jacobs et al' s system

because doing so would inform a user that the data that the user has requested is unavailable.

15.   As per claim 5, Jacobs et al teach wherein the computer is communicably connected to

the network server through the storage device (Figure 1, column 4, lines 15-37).

16.   As per claim 6, Jacobs et al teach wherein the storage means comprises random access

media (Figure 1, column 4, lines 15-37).

17.   As per claim 8, Jacobs et al fail to teach providing to the computer a response indicating

that the file is not available if the file is not cached on the storage means. However, However,

" Official Notice" is taken that both the concept and advantage of using a file unavailable notice

such as a " 404-File Not Found " error message is well known and expected in the art. It

would have been obvious to one of the ordinary skill in the art at the time of the applicant's

invention to include a file unavailable notice in Jacobs et al' s system because doing so would

inform a user that the data that the user has requested is unavailable.

18.   As per claims 11 and 14, Jacobs et al contains the similar limitations as claim 1, but now

teaches that the file is a bootstrap file or an operating system file. Although Jacobs et al does

not explicitly teach that the particular file type is a bootstrap file or an operating system, Jacobs

et al do teach that the requested data maybe include textual, numerical, multi-media, or other

types and forms of information suitable for transmission to a user through a network and may

adhere to any of a variety of protocols or formats (e.g. HTTP, FTP, HTML, XML) (column 5, line

66-column 6, line 5). It would have been obvious to one of the ordinary skill in the art at the time

of the applicant' s invention to recognize that it was merely a matter of choice of

implementation, which clearly does not require any inventive step. Since the determination

process is accomplished by assigning file names, extensions or the like, as a determination

parameter, changing the file type is obvious and is not patentably distinct over Jacobs et al.

19.   As per claim 12, Jacobs et al teach wherein the computer is communicably connected to a

network server through the network interface (Figure 1, column 4, lines 15-37).

20.   As per claim 13, Jacobs et al teach wherein the storage means comprises random access

media (Figure 1, column 4, lines 15-37).

21.   As per claim 15, Jacobs et al teach wherein the computer is communicably connected to

the network server through the storage device (Figure 1, column 4, lines 15-37).

22.   As per claim 16, Jacobs et al teach deleting the cached file from the storage means upon

receiving notice from the file server that an updated version of the cached file is available
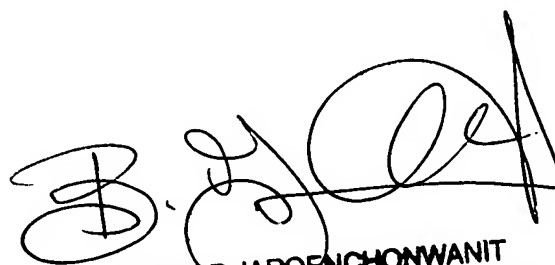
(column 6, lines 39-47).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ramsey Refai whose telephone number is (571) 272-3975. The examiner can normally be reached on M-F 8:30 - 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on (571) 272-3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Ramsey Refai
Examiner
Art Unit 2152
February 11, 2007

BUNJOB JAROENCHONWANIT
SUPERVISORY PATENT EXAMINER